



PATENTS
SSA/1 CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant : James K. Hamlin
Application No.: 10/677,397 Confirm. No.: 8870
Filed : October 1, 2003
For : SYSTEM AND METHOD FOR COMMUNICATING DATA
Group Art Unit : 2151
Examiner : Not Yet Assigned

New York, New York 10020
October 14, 2004

Mail Stop: Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF RELATED LITIGATION
UNDER 37 C.F.R. § 1.56 AND M.P.E.P. § 2001.06(c)

Sir:

Pursuant to 37 C.F.R. § 1.56 and MPEP § 2001.06(c),
applicant hereby notifies the United States Patent and
Trademark Office of information concerning related litigations
involving United States Patent No. 6,310,888 ("the '888
patent").

The above-identified patent application claims
priority from Application No. 09/906,222, which is a
continuation of Application No. 09/000,751 - the application

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from which the '888 patent was granted. A copy of the '888 patent is attached hereto as Exhibit A.

The '888 patent is entitled "System and Method for Communicating Data". The '888 patent provides a system and method for communicating data between a source application process and one or more destination application processes. The system and method performs conversion and routing functions which require only a single conversion of all outbound transmissions regardless of the variety of destinations, and only a single conversion of all inbound transmissions regardless of the variety of sources.

Two litigations have arisen from the '888 patent. The first litigation was between iWork Software, LLC (the assignee of the '888 patent, "iWork") and webMethods, Inc. ("webMethods") in the United States District Court for the Northern District of Illinois, Eastern Division (Case No. 03 C 838). The second litigation (Civil Action No. 02 CV 6355) was between iWork and Corporate Express, Inc. ("Corporate Express"), Herman Miller, Inc., ("Herman Miller"), W. W. Grainger, Inc. ("Grainger"), Molex Incorporated ("Molex"), and Boise Cascade Corporation ("Boise Cascade").

In the first litigation, webMethods filed a Complaint for Declaratory Judgment of Invalidity, Unenforceability, and Non-Infringement of the '888 patent. A copy of the Complaint is attached hereto as Exhibit B. On April 21, 2003, Matthew F. Kennelly, the District Judge for

the case arising from the Civil Action, issued a Memorandum Opinion and Order that granted iWork's motion to dismiss the complaint. A copy of this Memorandum Opinion and Order is attached hereto as Exhibit C. Matthew F. Kennelly's decision was affirmed in a Judgment by the United States Court of Appeals for the Federal Circuit on January 12, 2004. A copy of this Judgment is attached hereto as Exhibit D.

In the second litigation, iWork filed a Complaint for infringement of the '888 patent. The Complaint averred that Corporate Express, Herman Miller, Grainger, Molex, and Boise Cascade, by themselves, and through their subsidiaries, affiliates, and agents have been, and are, infringing, inducing infringement of, and/or contributing to the infringement of the '888 patent by, among other activities, making and using systems and methods covered by the claims of the '888 patent. A copy of iWork's Complaint is attached hereto as Exhibit E.

Molex's Answer denied that it infringed any valid, enforceable claim of the '888 patent. A copy of Molex's Answer is attached hereto as Exhibit F.

Corporate Express' Answer denied that it infringed any valid, enforceable claim of the '888 patent. A copy of Corporate Express Answer is attached hereto as Exhibit G.

Herman Miller's Answer denied that it infringed any valid, enforceable claim of the '888 patent. A copy of Herman Miller's Answer is attached hereto as Exhibit H.

Grainger's Answer denied that it infringed any valid, enforceable claim of the '888 patent. A copy of Grainger's Answer is attached hereto as Exhibit I.

Boise Cascade's Answer denied that it infringed any valid, enforceable claim of the '888 patent. A copy of Boise Cascade's Answer is attached hereto as Exhibit J.

On February 24, 2004, Corporate Express filed a Prior Art Statement in the litigation. A copy of this Prior Art Statement is attached hereto as Exhibit K. Applicant respectfully requests that the Examiner carefully consider this Prior Art Statement as it purports to relate to the patentability of the pending claims.

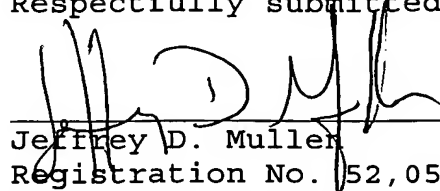
The second litigation was settled and, on April 15, 2004, an Order for Entry of Judgment for this second litigation was issued in which the action was dismissed as to the defendant Corporate Express. A copy of this Order is attached hereto as Exhibit L.*

In an Information Disclosure Statement that is being filed concurrently herewith, applicant includes documents that were brought to applicant's attention as a result of the first and the second litigations.

* The second litigation was previously dismissed as to the other defendants.

An early and favorable action is respectfully
requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey D. Muller", is written over a horizontal line.

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SMALL ENTITY
SSA/1 CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TRANSMITTAL LETTER

Sir:

Transmitted herewith to be filed in the above-identified patent application:

[X] Notice of Related Litigation;
[X] Information Disclosure Statement; and
[X] PTO 1449 (in duplicate).

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.
[] A fee for additional claims is required.

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The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD' L FEES
<hr/>				
TOTAL CLAIMS	1 - 20	* = 0	X \$ 9 =	\$0.00
<hr/>				
INDEPENDENT				
CLAIMS	1 - 3	** = 0	X \$ 44 =	\$0.00
<hr/>				
FIRST PRESENTATION OF A				
MULTIPLE DEPENDENT CLAIM			+ \$150 =	\$0.00
<hr/>				
* If less than 20, insert 20.			TOTAL	<u>\$0.00</u>
** If less than 3, insert 3.				

[] A check in the amount of \$_____ in payment of the filing fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$0.00 to Deposit Account No. 06-1075 in payment of the fee under 37 C.F.R. § 120(d) for filing a Terminal Disclaimer.

EXTENSION FEE

- ☐ The following extension is applicable to the Response filed herewith; ☐ extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of \$_____ in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,


Jeffrey D. Mullen

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Agent for Applicant

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